

Remarks

The examiner rejected claims 3, 4, 5, 7, 19, 25, 27, 29, 31 and 34 under 35 U.S.C. §103(a) as being unpatentable over Colas et al. in view of Gantner et al. The Examiner argues that as to claims 19 and 31 that Colas et al. teaches the steps of casting and curing a layer of a silicone gel on a sheet, treating the silicone gel with an adhesion promoter, applying the silicone gel to the carrier, removing the sheet from the silicone gel and applying the silicone gel to a substrate to which the silicone gel is adhered. The Examiner states that Colas et al. do not specifically teach treating the silicone gel on a sheet with a specific primer. However, Gantner et al. teaches treating a silicone gel with viscous agents and/or additives, including titanates and siloxanes, to make the product suitable for its end use. The Examiner further argues that it would have been obvious that the agent is not mixed into the composition initially, since mixing of the component material in the formulation causes curing at room temperature in the presence of moisture.

Claim 19 pertains to a method of adhering a silicone gel to a substrate. In the method, the surface of the silicone gel is treated with a primer selected from titanate materials, zirconate materials, Si-H containing siloxanes and platinum materials.

The Applicants respectfully assert that the Examiner has failed to establish a motivation to combine the teachings of Colas and Gantner to arrive at the present invention as claimed. One of ordinary skill in the art would not look to the teachings of Gantner to overcome the deficiencies of Colas as the Examiner contends because neither of the prior art references provide an adequate teaching, suggestion or motivation to do so.

One skilled in the art would not choose to modify the method of Colas to include an additional step treating the surface of the silicone gel with a primer. In addition, the teachings of Gantner fail to remedy the deficiency of Colas because Gantner further does not teach applying a primer to a gel. Gantner teaches reactants or additives that are in the film-forming composition. These

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materials are added into the film-forming composition prior to its cure on the substrate. This is clearly different than treating the surface of the gel (or film forming composition) with a primer.

Because Gantner teaches reactant or additives and not primers, one of ordinary skill would not modify Colas to incorporate these additives in an effort to arrive at the present invention. Even if one skilled in the art would be motivated to add the reactants or additives of Gantner into the gel they still would not arrive at the instant invention **where the surface of the gel is treated**.

As previously argued, Colas does not teach or suggest the use of a primer at all, let alone a specific primer, for adhering a silicone gel to a substrate. The Applicants appreciate that Colas briefly teaches the use of additives for improving adhesion, but such additives are “**included in the gels**”. Therefore there is no way that that such additives could be equated to be used for **treating** the gel. Those skilled in the art readily appreciate that such additives are typically dispersed throughout the gel and are not used as separate components. In addition, Colas fails to provide even a single example of what type or types of adhesion promoters should be used, how much should be used, etc.

On the other hand Gantner teaches one-part formulations which rapidly cure on exposure to moisture and are useful in forming films. These formulations contain an alkylene trialkoxy terminated siloxane; a catalyst; a diluent; and optionally an alkoxysilane or a filler. The film forming formulations can also contain an active agent. However the active agent is one that is bound in the composition and subsequently released at the desired rate. Additionally it should not interfere with curing to the silicone formulation.

The components of the film-forming formulations are mixed together and then applied to the desired site. The formulation then reacts after it is applied to the site. Thus there would be no opportunity to treat it with a primer before applying it to the first substrate. And there is nothing to teach or suggest that the reactants or additives have any effect as a primer would once they are dispersed into the formulation and then undergo a cure reaction.

Thus to summarize, neither reference teaches or suggest treating the surface of the gel with a primer. Colas discloses adhering a silicone gel to a substrate. Neither the gel or the substrate are treated prior to them being combined. Gantner teaches reactants and additives that are used in producing a film-forming formulation. The film-forming formulation is applied directly to the first substrate and then cured to produce an elastomer or gel. Again, there is no suggestion in Gantner to treat either the substrate or the gel with a primer.

In view of the arguments detailed above, the Applicants respectfully submit that independent claim 19 is not obvious over Colas in view of Gantner. Additionally, since independent claim 19 is not obvious, all claims that depend therefrom are also not obvious.

The Examiner has rejected claims 32 and 33 under 35 U.S.C. §103(a) as being unpatentable over Colas et al. in view of Gantner et al., as applied to claim 31 above, and further in view of Johnson. The Examiner argues that although Colas et al. do not specifically teach treating silicone gel on a sheet with a specific primer, it would have been obvious for one having ordinary skill in the art to do so, as Johnson et al. teach the use of tetra-n-butyl titanate and trimethoxymethylsilane as well known coupling agents.

As argued above, neither Colas or Gantner teach treating the substrate of a gel with a primer before applying the gel to the first substrate. Applicants appreciate that Johnson teaches primers. However, as previously argued, Johnson does not teach applying a primer to a cured gel. The primer is applied to the substrate and then the uncured gel is applied to the primed substrate. Thus, again, combining these references in the manner suggested by the Examiner does not arrive at the claimed invention since none of the references teach applying a primer to the surface of the cured gel. Thus Applicants believe that this rejection is improper and respectfully request that the rejection be withdrawn.

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Claims 20-24, 26, 28, 30 and 35-38 are allowed.

The applicants hereby petition for a two-month extension of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application.

You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,
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